

Remarks

The Examiner has alleged that the claims do not satisfy the unity of invention requirement and required election of one the following two groups of claims:

Group I: Claims 1-4, 9 and 10, drawn to a PHA; and

Group II: Claims 5-8, drawn to a method for producing PHA.

Also, if Group I is elected, the Examiner requested election of one of the following two species:

Species 1: Claims 1, 2, 4 and 9 (chemical formulae (1)-(4B)); and

Species 2: Claims 3 and 10 (chemical formula (5)).

If Group II is elected, the Examiner requested election of one of the following two species:

Species 3: Claims 6 and 8 (chemical formulae (1)-(4B)); and

Species 4: Claims 5 and 7 (chemical formula (5)).

Furthermore, if Species 1 or 3 is elected, the Examiner requested a selection for each of the following categories A-D:

A. R_1 from:

- i. OH, ONa or OR_{1a} ; and
- ii. a halogen atom.

B. R_{1a} from:

- i. substituted or unsubstituted aliphatic hydrocarbon structure;
- ii. substituted or unsubstituted aromatic ring structure; and
- iii. substituted or unsubstituted heterocyclic structure.

C. A_1 from:

- i. substituted or unsubstituted aliphatic hydrocarbon structure;
- ii. substituted or unsubstituted aromatic ring structure; and

iii. substituted or unsubstituted heterocyclic structure.

D. Z from:

- i. a linear or branched alkyl group;
- ii. an aryl group; and
- iii. an aralkyl group substituted with an aryl group.

If Species 2 or 4 is elected, the Examiner requested a selection for each of the following categories E-G:

E. R_5 from:

- i. hydrogen or R_{5a} ; and
- ii. a group capable of forming a salt.

F. R_{5a} from:

- i. a linear or branched alkyl group with 1-12 carbon atoms;
- ii. an aralkyl group; and
- iii. a substituent having a sugar.

G. Z_5 from:

- i. a linear or branched alkyl group;
- ii. an aryl group; and
- iii. an aralkyl group substituted with an aryl group.

Applicants hereby provisionally elect Group I, Species 1. Also, Applicants select R_1 to be OH, ONa or OR_{1a} ; each of R_{1a} and A_1 to be a substituted or unsubstituted aliphatic hydrocarbon structure; and Z to be a linear or branched alkyl group. Claims 1, 2, 4 and 9 read on the elected species. This election is without traverse.

The Examiner objected to claims 1-10, alleging that variables in the structural formulas are conventionally designated with a superscript rather than a subscript.

The Examiner stated that subscripts in chemical formulae designate the amount of atoms, molecules or variables present in the compound.

Applicants respectfully disagree. A brief search reveals that many patents issued over the last thirty years in which variables are designated by subscripts as in the present claims. In fact, since any applicant is entitled to be his or her own lexicographer and the specification and claims clearly set forth what is designated by subscripts, the present designation can be maintained (M.P.E.P. § 2111.01(IV)).

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

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